

1 E X C E R P T

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3 ARTI GEHANI, SWORN

4 DIRECT EXAMINATION

5 BY MS. WEST:

6 Q. When you asked the clients questions, did you do it
7 verbatim or did you paraphrase?

8 A. I actually took the liberty of paraphrasing questions.

9 Q. Can you read for us the question in Part C?

10 A. Sure. It says, "List your present and past membership in
11 or affiliation with every political organization, association,
12 fund, foundation, party, club, society or similar group in the
13 United States or in other places since your 16th birthday.
14 Include any foreign military service in this part. If none,
15 write 'none.' Include the name(s) of the organization(s),
16 location(s), dates of membership from and to, and the nature of
17 the organization(s). If additional space is needed, use a
18 separate piece of paper."

19 Q. Was it your practice to read that question verbatim?

20 A. No.

21 Q. What was your practice?

22 A. I would ask clients if they had ever been in the military

23 or in any political group either here or in another country.

24 Q. Let me show you the second page of that same exhibit. Can

25 you read question 8?

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1 A. Sure. It says, "Have you ever engaged in genocide, or

2 otherwise ordered, incited, assisted or otherwise participated

3 in the killing of any person because of race, religion,

4 nationality, ethnic origin or political opinion?"

5 Q. Would you ask that question verbatim or in a different way?

6 A. No. I would ask it in a different way.

7 Q. What was that way?

8 A. Because most of my clients had either limited English or

9 they were foreign and English was not their first language, I

10 would kind of shorten the question and I would ask -- I would

11 start by asking if they had ever killed anyone. And most or

12 many of the times, clients would just stop me right there and

13 say "no, no, no, I've never killed anyone." But if they didn't

14 stop me, I would continue with the rest of the question and I

15 would ask if you have ever killed anyone because of their

16 religion. I think I almost always asked religion, but other --

17 well, I don't remember which of the several things that are in

18 the question I would mention, but I would mention one or two of

19 them.

20 Q. And how do you know that you paraphrased this question to

21 just "have you ever killed anyone?"

22 A. Well, because it's an awkward question to ask. And I

23 remember asking it in some instances and kind of laughing and

24 saying "have you ever killed anyone" because it's an

25 uncomfortable question. It's just kind of -- I remember the

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1 way I asked it.

2 Q. I'm going to show you another form, 11-L; do you recognize

3 this type of form?

4 A. Yes.

5 Q. Looking at the part under Employment, do you see that?

6 A. Yes.

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2 EXCERPT:

3 BY MS. WEST:

4 Q. Dr. Gehani, I just have a couple of more questions for you.

5 We have gone back to Exhibit 11-K and I'm going to direct

6 your attention again to question 8.

7 A. Uh-huh.

8 Q. You testified that you didn't ask it verbatim?

9 A. Correct.

10 Q. You put it in a shortened form?

11 A. Correct.

12 Q. Now, after you said, "Have you ever killed anyone," if the

13 person didn't say "no" immediately, what would you do?

14 A. I would continue with the question.

15 Q. And how would you ask the rest of the question?

16 A. I would ask, "Have you ever killed anyone because of their"

17 -- and then I would choose a couple of the categories like

18 race, religion, nationality. I would probably choose one or

19 two from that of the question and say those words.

20 Q. Thank you.

21 MS. WEST: I don't have any further questions.

22 THE COURT: Mr. Stern?

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CROSS-EXAMINATION

EXCERPT:

BY MR. STERN:

Q. And what you told us was that what you wound up with was that you often took the liberty of paraphrasing, right?

A. I did.

Q. And by using the word "often," you mean just that, often, but not always, right?

A. Right.

Q. And you can't tell us exactly what you did in this case?

A. I cannot tell you exactly what I said five years ago when I was filling out one client's form. No.

Q. And you also didn't necessarily use exactly the same words each time when you did paraphrase, correct?

A. I mean, I never use the same words. It's hard to say.

It's been five years, so I don't know.

Q. All right. But what you do remember about Part C when you did develop your --

A. Habits.

Q. -- practice was that usually what you said was you asked -- you boiled it down to asking whether -- well, why don't you

23 give it to me again?

24 A. I generally -- the gist of the question as I understood it

25 -- and this is what I would ask clients -- is if they had ever

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1 been in the military or in any political group, either here or

2 any country.

3 Q. Okay. And then your attention was drawn to that other

4 question, question number 8.

5 A. Uh-huh.

6 Q. This was that question about genocide and killing?

7 A. Yes.

8 Q. And when you came to develop a practice, it was to start

9 out by saying, "Have you ever killed someone?"

10 A. Correct.

11 Q. And then you waited to see if the person stopped you,

12 right?

13 A. I don't remember that I waited. I think in general, what

14 would happen is I would say "Have you ever killed someone?"

15 And I often had a smile on my face because it's kind of an

16 awkward question and I was uncomfortable. And the person in

17 general -- or not in general -- but many clients themselves

18 would stop the question. So I didn't necessarily stop the
19 question, but the client did. And they would say, "no, no,
20 no," you know. And then if they didn't stop me, I would
21 continue the question.

22 Q. All right. So, if they didn't stop you, you would ask the
23 whole question?

24 A. Yes, the rest of the question.

25 Q. Which was --

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1 A. Because of their race or political beliefs or --

2 Q. Okay. Thank you very much.

3 A. You're welcome.

4 THE COURT: Ms. West, anything further?

5 MS. WEST: Nothing else. Thank you.

6 THE COURT: All right. You may step down.

7 WITNESS EXCUSED

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